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May 13, 2020

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Hon. Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street, Room 2220
New York, NY 10007

Because the Court finds that the materials at issue contain confidential commercial information, counsel's request to file the relevant materials under seal is granted. SO ORDERED.

Loretta A. Preska 5/14/2020

**Re: *In re: 650 Fifth Avenue and Related Properties,*
08 Civ. 10934 (LAP)**

Dear Judge Preska:

We write on behalf of Claimants Alavi Foundation and the 650 Fifth Avenue Company (together, "Claimants"), in accordance with the Court's Individual Rule 2(H)(2), to request an order permitting Claimants to file under seal (1) Exhibit I to the Ruzumna Declaration, the Thirty-Ninth Quarterly Report of Monitor Kathleen A. Roberts Pursuant to the Court's April 28, 2010, dated April 30, 2020; (2) Exhibit J to the Ruzumna Declaration, the March 2020 Financial Report regarding 650 Fifth Avenue, and (3) an unredacted copy of Claimants' Opposition to the Government's Motion to Stay. Exhibits I and J contain non-public financial information regarding the operation and management of 650 Fifth Avenue (the "Building"), including the amount of cash reserves that are currently held, the net rental income derived from the Building, and the anticipated effect of COVID-19 on future leasing and vacancies. The unredacted version of Claimants' opposition reflects the net rental income derived from the Building and the amount of cash reserves that are currently held to facilitate the Building's operation.

Courts in this district have acknowledged that certain categories of documents are "commonly sealed," including "revenue information." *Hypnotic Hats, Ltd. v. Wintermantel Enterprises, LLC*, 335 F. Supp. 3d 566, 600 (S.D.N.Y. 2018) (quoting *Saint-Jean v. Emigrant Mortgage Co.*, No. 11-cv-2122, 2016 WL 1430775, at *4 (E.D.N.Y. May 24, 2016)); *see also United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995) ("[f]inancial records of a wholly owned business" are traditionally considered private and are more likely to be sealed). This Court has previously granted Claimants' requests to file letters and reports concerning the Building's finances under seal. (Dkt. Nos. 2218, 2224, 2230, 2234.) The letter at issue discloses precisely the same type of information, which is not public and should be kept confidential. Claimants therefore request permission to file only that information under seal.

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Thank you for the Court's attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Daniel Ruzumna", with a long horizontal flourish extending to the right.

Daniel Ruzumna

Cc. Counsel of Record